

## REMARKS

1. Applicant thanks the Examiner for the Examiner's comments which have greatly  
5 assisted Applicant in responding.

2. Applicant acknowledges that the finality of the previous office action has been  
withdrawn because the applicant filed a request for a continued examination on  
08/07/03 under 37 CFR 1.114.

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### 3. 35 U.S.C §103

Independent Claims 1, 15, 20 and 34 have been rejected under 35 U.S.C §103(a) as  
being unpatentable over Herz (6,029,195), Basche (6,119,164), Pant et al (6,012,053)  
15 in view of Grasso et al (5,892,909). Herz has a critical reference date pursuant to 37  
C.F.R. 1.131 of December 9, 1996 from Provisional application No. 60/032,461. Pant et  
al has a critical reference date and a filing date of June 23, 1997. Basche has a critical  
reference date and filing date of April 15, 1997.

20 The rejection of Independent Claims 1, 15, 20 and 34 under 35 U.S.C: §103 is deemed  
moot in view of the declaration by the inventor, David Hindawi, under 37 C.F.R. 1.131,  
that Applicant has attached, swearing behind Herz, Pant et al, and Basche.

Accordingly, independent Claims 1, 15, 20 and 34 are in allowable condition. Because independent Claims 1, 15, 20 and 34 are in allowable condition, dependent Claims 2-14, 16-19, 21-33, and 35-38 are also in an allowable condition. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103.

## CONCLUSION

Based on the foregoing, Applicant considers the present invention to be distinguished  
5 from the art of record. Accordingly, Applicant earnestly solicits the Examiner's  
withdrawal of the rejections and objection raised in the above referenced Office Action,  
such that a Notice of Allowance is forwarded to Applicant, and the present application is  
therefore allowed to issue as a United States patent.

10 Respectfully Submitted,



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